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John R. Hetland

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other historians’ “perfectly justifiable self-limitation”7 as one follows his own dazzling peregrinations from France, Germany, and Italy to Brazil, Minnesota, Hawaii, and New Zealand, and into foreign vessels, money judgments, public assistance, and workmen’s compensation (with the Stone Tablets).

Another historian’s only regret about the historian Riesenfeld is that he has been too brief and limitedly oral, that he has not written enough medieval legal history. Medievalists must hope that he will use some part of his extra time in retirement to remedy this lack. Still, they cannot complain; how much history he has poured into unwitting lawyers’ ears.

In beginning his review of Julius Goebel’s famous work, Felony and Misdemeanor, Riesenfeld wrote, “Wagner’s Ring des Nibelungen was composed, as one knows, backwards.”8 Riesenfeld the teacher of law may seduce his students to move like Wagner toward the past, but he himself was already at the beginning a long time ago.

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PROFESSOR RIESENFELD: REAL PROPERTY AND REAL PROPERTY SECURITY

John R. Hetland†

The notion that professor Stefan Riesenfeld’s contribution to the development of the law of real property and real property security can be described in a few pages—or even in a few articles—is absurd. But Steve’s range of interest and expertise is so vast, his scholarship and dominance in several fields of law so widely acknowledged, that only by devoting several issues to Stefan Riesenfeld could the editors of the California Law Review avoid relegating most of Steve’s areas of expertise to a few introductory comments.

Professor Riesenfeld’s real property commentaries, articles and essays, which range from an analysis of the development of property

7. Riesenfeld, supra note 1, at 570.
8. Riesenfeld, Book Review, 26 CALIF. L. REV. 405 (1938). This is not a unique Riesenfeld beginning, not unlike the “cabinet picture” which begins the Morey review, with the historian at the center of his material reaching out from his own security with a sign to explain to the uninitiated. See Riesenfeld, supra note 6, at 595.

† Professor of Law, Boalt Hall School of Law, University of California, Berkeley.
doctrine and institutions between the advent of William The Conqueror (1066 A.D.) and the publication of *Littleton's Tenures* (1481 A.D.).¹ to an explanation of California's complex series of deficiency judgment limitations² are uniformly excellent. But I consider his most important contribution to the development of California real property law to be what, at a casual glance, might seem one of his least impressive. It is a skinny little casebook, *California Cases on Security Transactions*, which he and Dean Richard C. Maxwell of UCLA developed in 1957.³ This casebook on security transactions developed a structure for organizing, considering and ultimately understanding the California system of real property security. Though the book had virtually no text, it was such a superb piece of research, selection and editing that the cases themselves blended into both a text and a casebook. It became the framework of a soundly structured, manageable—though difficult—law school course, tracing the ways in which the California courts and legislature have sought to fashion appropriate remedies and protections for all parties to a real property financing transaction in response to the vastly disparate pressures of the past century.

Professor Riesenfeld's first year casebook on California real property is now in its sixth year of evolution and classroom development, a research and shakedown period which normally precedes the publication of his meticulously structured casebooks and classroom teaching materials.⁴ Steve is one of the few modern real property teachers from whom first year law students still learn the valuable and difficult historical antecedents of Anglo-American real property law, the evolution of estates and lesser interests in land, and their application. When he decides to publish it, his first year casebook will be one of the few in recent years to offer California students and teachers a vehicle for

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thorough insight into how modern real property law developed and why it remains.

Steve's scholarship and the depth of his research are amazing. When he asserts that the conclusion reached by some legendary scholar of the past—Maitland, for example—was wrong, and that the erring scholar misunderstood the precedents, Steve means what he says. He means, in other words, that he has duplicated Maitland's research so that he is in a position to compare the same precedents and thus test the conclusion in the proper perspective. Perhaps others are as persistent in unearthing the often obscure and generally unavailable precedents, perhaps others are as able to work comfortably in the archaic form of whatever might be the language of those precedents, but I have never witnessed such dedicated, in-depth scholarship by anyone other than Stefan Riesenfeld.

Despite the image of an impractical, ivory-tower academic recluse that this kind of research and scholarship might suggest, the even more intriguing truth is that Steve Riesenfeld is also an enormously practical and skillful modern lawyer. To measure Steve's contribution to California real property law solely in terms of his publications, impressive though they are, is terribly misleading. Steve has been equally effective, if not more so, in his extensive service to students, the legislature, the judiciary, other teachers and the Bar. In addition to advising legislative committees, drafting statutes, writing articles and creating books, Steve is an active and effective advocate. He is acutely aware of the practicalities and economic realities of real property and commercial litigation. Over the years, Steve has actively and effectively participated in significant real property and commercial litigation, usually as counsel or co-counsel for one of the parties, though occasionally as a consultant to counsel for one of the parties or as an amicus.

Professor Riesenfeld's teaching, writing, lobbying and lawyering make up an impressive package. But a description of Riesenfeld and his accomplishments, even limited to those related to real property, necessarily includes a reference to his equally impressive sense of humor. There are those, for example, who claim that his most important contribution to California real property law was his discovery and promotion

5. See generally Riesenfeld, Individual and Family Rights in Land During the Formative Period of the Common Law, supra note 1.

6. I am aware of several cases in which Steve has participated, but I am reluctant to try to cite a representative sampling here. Among other things, I run a substantial risk of overlooking some of the most important cases so that any illustrative series of citations might turn out not to be illustrative at all. The kind of case Steve tends to become involved in, however, is illustrated by one of the most extensive and pervasive real property cases in recent years, Gerhard v. Stephens 68 Cal. 2d 864, 442 P.2d 692, 69 Cal. Rptr. 612 (1968).